

AMENDED IN SENATE AUGUST 27, 2003

AMENDED IN SENATE JULY 27, 2003

AMENDED IN SENATE JULY 14, 2003

AMENDED IN SENATE JUNE 26, 2003

AMENDED IN ASSEMBLY JUNE 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 658**

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**Introduced by Assembly Members ~~Nakano and Jerome Horton~~**  
***Member Nakano***  
**(Coauthor: ~~Senator Knight~~)**  
***(Principal coauthor: Assembly Member Cox)***

February 19, 2003

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~~An act relating to local government reorganization, and declaring the urgency thereof, to take effect immediately. An act to add and repeal Article 13.5 (commencing with Section 18845) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to public health.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 658, as amended, Nakano. ~~Local government reorganization~~  
*Taxpayer contributions: California Prostate Cancer Research Fund.*

*Provisions relating to the administration of personal income taxes allow individual taxpayers to contribute amounts in excess of their tax liability for the support of specified funds.*

*This bill would allow taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the California Prostate Cancer Research Fund, which would be created by this bill. However, the bill would provide that a voluntary contribution designation for this fund may not be added on the tax return until another voluntary contribution designation is removed from that return.*

*This bill would require that all moneys contributed to the fund pursuant to these provisions, upon appropriation by the Legislature, be allocated to the Franchise Tax Board and the Controller, as provided.*

*This bill would provide that these voluntary contribution provisions are repealed on January 1 of the 5th taxable year following the taxable year the fund first appears on the tax return. The bill would further provide that these provisions are repealed for taxable years beginning on or after January 1 of the calendar year in which the Franchise Tax Board estimates by September 1 that the contributions made on returns filed in that calendar year will be less than \$250,000, or an adjusted amount for subsequent taxable years.*

~~Existing law concerning reorganization proceedings and redevelopment projects for cities specifies a time period of 60 days from the date of the determination by the local agency formation commission or the redevelopment agency within which an action must be brought to determine the validity of a completed reorganization or the adoption of a redevelopment plan.~~

~~This bill would require that an action to determine the validity of the proposed reorganization or an amendment to Redevelopment Project Area No. 2 with respect to a proposed reorganization consisting of the detachment of specified federal military property from the City of El Segundo and its annexation to the City of Hawthorne be brought within 30 days of the action to approve the proposed reorganization or the amendment to the redevelopment project area, as specified.~~

~~This bill would make legislative findings and declarations that a special law is necessary.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$  majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. ~~For the purposes of a proposed reorganization~~  
2

1     SECTION 1. Article 13.5 (commencing with Section 18845)  
2     is added to Chapter 3 of Part 10.2 of Division 2 of the Revenue and  
3     Taxation Code, to read:

4  
5     Article 13.5. California Prostate Cancer Research Fund

6  
7     18845. (a) An individual may designate on the tax return that  
8     a contribution in excess of the tax liability, if any, be made to the  
9     California Prostate Cancer Research Fund established by Section  
10    18845.1. That designation is to be used as a voluntary contribution  
11    on the tax return.

12    (b) The contributions shall be in full dollar amounts and may  
13    be made individually by each signatory on a joint return.

14    (c) A designation shall be made for any taxable year on the  
15    initial return for that taxable year and once made is irrevocable.  
16    If payments and credits reported on the return, together with any  
17    other credits associated with the taxpayer's account, do not exceed  
18    the taxpayer's liability, the return shall be treated as though no  
19    designation has been made. If no designee is specified, the  
20    contribution shall be transferred to the General Fund after  
21    reimbursement of the direct actual costs of the Franchise Tax  
22    Board for the collection and administration of funds under this  
23    article.

24    (d) If an individual designates a contribution to more than one  
25    account or fund listed on the tax return, and the amount available  
26    is insufficient to satisfy the total amount designated, the  
27    contribution shall be allocated among the designees on a pro rata  
28    basis.

29    (e) The Franchise Tax Board shall revise the form of the return  
30    to include a space labeled the "California Prostate Cancer  
31    Research Fund" to allow for the designation permitted. The form  
32    shall also include in the instructions information that the  
33    contribution may be in the amount of one dollar (\$1) or more and  
34    that the contribution shall be used to further the research of  
35    prostate cancer.

36    (f) Notwithstanding any other provision of law, a voluntary  
37    contribution designation for the California Prostate Cancer  
38    Research Fund may not be added on the tax return until another  
39    voluntary contribution designation is removed.

1 (g) A deduction shall be allowed under Article 6 (commencing  
2 with Section 17201) of Chapter 3 of Part 10 for any contribution  
3 made pursuant to subdivision (a).

4 18845.1. There is in the State Treasury the California Prostate  
5 Cancer Research Fund to receive contributions made pursuant to  
6 Section 18845. The Franchise Tax Board shall notify the  
7 Controller of both the amount of money paid by taxpayers in excess  
8 of their tax liability and the amount of refund money that taxpayers  
9 have designated pursuant to Section 18845 to be transferred to the  
10 California Prostate Cancer Research Fund. The Controller shall  
11 transfer from the Personal Income Tax Fund to the California  
12 Prostate Cancer Research Fund an amount not in excess of the sum  
13 of the amounts designated by individuals pursuant to Section  
14 18845 for payment into that fund.

15 18845.2. All moneys transferred to the California Prostate  
16 Cancer Research Fund, upon appropriation by the Legislature,  
17 shall be allocated as follows:

18 (a) To the Franchise Tax Board and the Controller for  
19 reimbursement of all costs incurred by the Franchise Tax Board  
20 and the Controller in connection with their duties under this  
21 article.

22 (b) To \_\_\_\_\_ to further the research of prostate cancer.

23 18845.3. (a) Except as otherwise provided in subdivision (b),  
24 this article shall remain in effect only until January 1 of the fifth  
25 taxable year following the first appearance of the California  
26 Prostate Cancer Research Fund on the tax return, and as of that  
27 date is repealed, unless a later enacted statute, that is enacted  
28 before the applicable date, deletes or extends that date.

29 (b) If, in the second calendar year after the first taxable year the  
30 California Prostate Cancer Research Fund appears on the tax  
31 return, the Franchise Tax Board estimates by September 1 that  
32 contributions described in this article made on returns filed in that  
33 calendar year will be less than two hundred fifty thousand dollars  
34 (\$250,000), or the adjusted amount specified in subdivision (c) for  
35 subsequent taxable years, as may be applicable, then this article  
36 is repealed with respect to taxable years beginning on or after  
37 January 1 of that calendar year. The Franchise Tax Board shall  
38 estimate the annual contribution amount by September 1 of each  
39 year using the actual amounts known to be contributed and an  
40 estimate of the remaining year's contribution.

1 (c) For each calendar year, beginning with the third calendar  
2 year that the California Prostate Cancer Research Fund appears  
3 on the tax return, the Franchise Tax Board shall adjust, on or  
4 before September 1 of that calendar year, the minimum estimated  
5 contribution amount specified in subdivision (b) as follows:

6 (1) The minimum estimated contribution amount for the  
7 calendar year shall be an amount equal to the product of the  
8 minimum estimated contribution amount for the prior September  
9 1 multiplied by the inflation factor adjustment as specified in  
10 paragraph (2) of subdivision (h) of Section 17041, rounded off to  
11 the nearest dollar.

12 (2) The inflation factor adjustment used for the calendar year  
13 shall be based on the figures for the percentage change in the  
14 California Consumer Price Index received on or before August 1  
15 of the calendar year pursuant to paragraph (1) of subdivision (h)  
16 of Section 17041.

17 (d) Notwithstanding the repeal of this article, any contribution  
18 amounts designated pursuant to this article prior to its repeal shall  
19 continue to be transferred and disbursed in accordance with this  
20 article as in effect immediately prior to that repeal. ~~consisting of~~  
21 ~~the detachment of approximately 40 acres of federal military~~  
22 ~~property from the City of El Segundo and the annexation of that~~  
23 ~~detached territory to the City of Hawthorne, after the local agency~~  
24 ~~formation commission has approved the proposal, the commission~~  
25 ~~shall conduct proceedings pursuant to Part 4 (commencing with~~  
26 ~~Section 57000) of Division 3 of Title 5 of the Government Code.~~  
27 ~~However, notwithstanding Section 56103 of the Government~~  
28 ~~Code and Section 860 of the Code of Civil Procedure, an action to~~  
29 ~~determine the validity of the proposed reorganization described in~~  
30 ~~this section shall be brought within 30 days of the date prescribed~~  
31 ~~in Section 56102 of the Government Code, if the Department of~~  
32 ~~Housing and Community Development has determined, pursuant~~  
33 ~~to Section 65585 of the Government Code, that the housing~~  
34 ~~element adopted by the City of Hawthorne is in substantial~~  
35 ~~compliance with the requirements of Article 10.6 (commencing~~  
36 ~~with Section 65580) of Chapter 3 of Division 1 of Title 7 of the~~  
37 ~~Government Code, as of the date prescribed in Section 56102 of~~  
38 ~~the Government Code.~~

39 ~~SEC. 2. Notwithstanding Section 33501 of the Health and~~  
40 ~~Safety Code and Section 860 of the Code of Civil Procedure, an~~

1 ~~action to determine the validity of the proposed amendment to~~  
2 ~~Redevelopment Project Area No. 2 in the City of Hawthorne shall~~  
3 ~~be brought within 30 days of the date prescribed in Section 33500~~  
4 ~~of the Health and Safety Code, if the Department of Housing and~~  
5 ~~Community Development has determined, pursuant to Section~~  
6 ~~65585 of the Government Code, that the housing element adopted~~  
7 ~~by the City of Hawthorne is in substantial compliance with the~~  
8 ~~requirements of Article 10.6 (commencing with Section 65580) of~~  
9 ~~Chapter 3 of Division 1 of Title 7 of the Government Code, as of~~  
10 ~~the date of adoption of the ordinance amending the redevelopment~~  
11 ~~plan.~~

12 ~~SEC. 3.— In enacting this act, the Legislature acknowledges the~~  
13 ~~agreement by officials from the City of Hawthorne to provide legal~~  
14 ~~and other professional services to those who are concerned with~~  
15 ~~the provision of affordable housing.~~

16 ~~The Legislature finds and declares that the enactment of this act~~  
17 ~~results in unprecedented reductions in the statutes of limitations.~~  
18 ~~However, providing more information and access to documents~~  
19 ~~sooner than required by law results in an enhanced review process~~  
20 ~~that actually is longer than the 60 days provided by law.~~  
21 ~~Nevertheless, those reductions are justified by the number of jobs~~  
22 ~~at stake because of the threatened closure of the Los Angeles Air~~  
23 ~~Force Base and the potential for profound damage to the state's~~  
24 ~~economy. This unprecedented action is justified because of the~~  
25 ~~unique and intense collaboration among city officials, the United~~  
26 ~~States Air Force, and private developers.~~

27 ~~SEC. 4.— The Legislature finds and declares that a special law~~  
28 ~~is necessary and that a general law cannot be made applicable~~  
29 ~~within the meaning of Section 16 of Article IV of the California~~  
30 ~~Constitution because of the unique circumstances surrounding the~~  
31 ~~status of Los Angeles Air Force Base. The facts constituting the~~  
32 ~~special circumstances are as follows:~~

33 ~~The threat of the closure of Los Angeles Air Force Base is real~~  
34 ~~and imminent. In order to facilitate the plans of a partnership of the~~  
35 ~~United States Air Force, the Cities of El Segundo and Hawthorne,~~  
36 ~~and private developers to preserve this vital component of the~~  
37 ~~nation's homeland defense, military and intelligence capabilities,~~  
38 ~~and partnerships with neighboring private aerospace companies,~~  
39 ~~it is necessary to establish expedited reorganization procedures for~~  
40 ~~the detachment and annexation of this federal military property.~~

1   ~~SEC. 5. This act is an urgency statute necessary for the~~  
2 ~~immediate preservation of the public peace, health, or safety~~  
3 ~~within the meaning of Article IV of the Constitution and shall go~~  
4 ~~into immediate effect. The facts constituting the necessity are:~~

5   ~~In order for reorganization proceedings for the detachment of~~  
6 ~~certain federal military property from the City of El Segundo and~~  
7 ~~the annexation of that territory to the City of Hawthorne to be~~  
8 ~~completed in a timely manner that will permit compliance with~~  
9 ~~federal proceedings affecting that territory, it is necessary that this~~  
10 ~~act go into effect immediately.~~

